

H-8273

1 Amend House File 2475 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 216A.105 Deliverable
5 fuels — mandatory delivery — penalties and remedies.

6 1. A deliverable fuel vendor engaged in the
7 business of providing deliverable fuel to customers in
8 this state shall not withhold the sale or delivery of
9 deliverable fuel to a customer from November 1 through
10 April 1 annually if either of the following apply:

11 a. The customer makes a prepaid cash payment in
12 an amount corresponding to the vendor's stated cash
13 price of that day for two hundred fifty gallons of
14 deliverable fuel.

15 b. The customer is certified as eligible for the
16 federal low-income home energy assistance program.

17 2. A deliverable fuel vendor is not prohibited
18 from withholding the sale or delivery of deliverable
19 fuel to a customer who is certified as eligible
20 for the federal low-income home energy assistance
21 program and has received the maximum amount of annual
22 assistance pursuant to the program, or who cannot make
23 a prepaid cash payment for deliverable fuel pursuant to
24 subsection 1, paragraph "a".

25 3. A deliverable fuel vendor providing deliverable
26 fuel to a customer described in subsection 1, paragraph
27 "a", may apply up to twenty-five percent of the
28 cash payment toward any unpaid balance owed to the
29 deliverable fuel vendor. In the event that a payment
30 arrangement is entered into between a deliverable
31 fuel vendor and a customer described in subsection 1,
32 paragraph "a", and the customer misses three payments
33 pursuant to the arrangement within a one-year period or
34 within the time period during which the arrangement is
35 in effect, the vendor may require payment of all past
36 due payments in full before making a delivery pursuant
37 to this section. In the event that an unpaid balance
38 is owed by a customer who is certified as eligible for
39 the federal low-income home energy assistance program,
40 the division shall offer assistance in facilitating a
41 payment arrangement.

42 4. a. A customer shall be responsible for the
43 reasonable cost of system safety checks conducted
44 by a deliverable fuel vendor, unless the customer
45 is certified as eligible for the federal low-income
46 home energy assistance program and the cost is paid
47 for with program funds. System safety check payments
48 shall be in addition to, and shall not reduce, the
49 cash payment otherwise available for deliverable fuel
50 sale or delivery pursuant to subsection 1, paragraph

1 "a". A deliverable fuel vendor of propane conducting a
2 system safety check shall inform customers certified
3 as eligible for the low-income home energy assistance
4 program of the existence of programs and projects
5 developed by the Iowa propane education and research
6 council to provide assistance to persons certified as
7 eligible for the program, if applicable based upon the
8 results of the safety check. A deliverable fuel vendor
9 shall not be required to make or complete a delivery
10 of deliverable fuel if a system safety check reveals
11 mechanical problems or defects with the system which
12 constitute a safety hazard or concern.

13 b. A customer shall be responsible for the
14 reasonable cost of delivering the deliverable fuel to
15 the customer, as determined by the deliverable fuel
16 vendor, unless the customer is certified as eligible
17 for the federal low-income home energy assistance
18 program and the cost is paid for with program funds.
19 Delivery fees or charges shall be in addition to, and
20 shall not reduce, the cash payment otherwise available
21 for the deliverable fuel sale or delivery pursuant to
22 subsection 1, paragraph "a".

23 5. A violation of this section is an unlawful
24 practice pursuant to section 714.16 and a prohibited
25 practice pursuant to chapter 714H.

26 6. For the purposes of this section, unless the
27 context otherwise requires:

28 a. "Customer" means an existing customer of a
29 deliverable fuel vendor or a prospective customer
30 who submits an application or otherwise applies for
31 the purchase or delivery of deliverable fuel from a
32 deliverable fuel vendor serving the general geographic
33 area or vicinity where the fuel will be delivered.

34 b. "Deliverable fuel" means propane or any other
35 heating fuel sold or delivered in this state for home
36 heating purposes.

37 c. "Deliverable fuel vendor" means a retail propane
38 marketer or a retail dispenser or marketer of a
39 deliverable fuel other than propane for home heating
40 purposes.

41 d. "Propane" and "retail propane marketer" mean the
42 same as defined in section 101C.2.>

43 2. Title page line 2, after <circumstances,> by
44 inserting <providing penalties,>

REICHERT of Muscatine